

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8313

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Dionicio RIVERA-Guillen,

Defendant.

} Magistrate Case No.:

} COMPLAINT FOR VIOLATION OF

} 21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

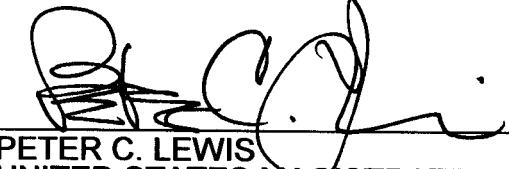
That on or about April 8, 2008, within the Southern District of California, defendant Dionicio RIVERA-Guillen did knowingly and intentionally import approximately 34.40 kilograms (75.68 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.



Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9TH,
DAY OF April 2008.



PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Dionicio RIVERA-Guillen

4 STATEMENT OF FACTS

5 This statement of facts is based on the reports, documents, and notes furnished
6 to US Immigration and Customs Enforcement Special Agent Reuben McDowell.

7 On April 8, 2008, at approximately 0615 hours, Dionicio RIVERA-Guillen
8 entered the United States at the Calexico, California, East Port of Entry. Customs and
9 Border Officer (CBPO) E. Chong was manning primary. CBPO Chong received a
10 negative oral Customs declaration from RIVERA. RIVERA stated that he had owned
11 the vehicle for six months. CBPO Chong observed that the dash appeared to have
12 been removed, air condition ducts had tape around them and the rocker panel covers
13 were blocked. CBPO Chong escorted the vehicle to the secondary inspection area.

14 CBPO Chong requested CEO Alba to screen the vehicle with his narcotic
15 detector dog (NDD). The NDD alerted to the dash and rocker panel.

16 A subsequent inspection by CBPO Chong revealed 27 packages located in the
17 dash and both rocker panels of the vehicle. One of the packages was probed and a
18 sample of a green leafy substance was obtained, which field tested positive for
19 marijuana. The 27 packages had a combined net weight of approximately 34.40
20 kilograms (75.68 pounds).

21 RIVERA was placed under arrest and advised of his Constitutional Rights
22 according to Miranda, which he acknowledged and waived, agreeing to answer
23 questions. RIVERA admitted knowledge of the marijuana found in the vehicle.
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